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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2008-334

14 LYDIA SISON SEBASTIAN
15 PO Box 1862
Walnut, CA 91788

A C C U S A T I O N

16 Registered Nurse License No. 280352
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18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about September 31, 1977, the Board of Registered Nursing issued
24 Registered Nurse License No. 280352 to Lydia Sison Sebastian. The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 May 31, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“(3) The use of advertising relating to Nursing which violates section 17500.

....

“(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 for the applicant's signature."

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3 16. Section 17500 of the Code provides in pertinent part that:

4 "[i]t is unlawful for any person...to induce the public to enter into any obligation...
5 to make or disseminate or cause to be made or disseminated before the public in this state...or
6 from this state before the public in any state, in any newspaper or other publication, or any
7 advertising device, or by public outcry or proclamation, or in any other manner or means
8 whatever, including over the Internet, any statement, concerning ...those services...which is
9 untrue or misleading, and which is known, or which by the exercise of reasonable care should be
10 known, to be untrue or misleading, or for any person, firm, or corporation to so make or
11 disseminate or cause to be so made or disseminated any such statement as part of a plan or
12 scheme with the intent not to sell those services, professional or otherwise, so advertised at the
13 price stated therein, or as so advertised."

14 FIRST CAUSE FOR DISCIPLINE

15 (Violating/Attempting to Violate Nursing Practice Act)

16 17. Respondent is subject to disciplinary action under section 2761,
17 subdivision (d) of the Code, in conjunction with Code sections 675, 2736(a), 2798, and 2799 and
18 CCR sections 1420 subdivisions (a) and (i), 1423, 1425(b)(1)-(5), and 1425 (d)(1) and (2) on the
19 grounds of unprofessional conduct, in that while operating RN Learning Center located in West
20 Covina, California from about April, 2006 through January, 2007, Respondent violated and/or
21 attempted to violate the Nursing Practice Act as follows:

- 22 a. Respondent advertised, promoted, and offered an unaccredited prelicensure
23 registered nursing program (unaccredited nursing program) to prospective
24 students.
25 b. Respondent operated and enrolled students into the unaccredited nursing program.
26 c. Respondent approached several hospitals requesting clinical placement for
27 students who were enrolled in her unaccredited nursing program.
28 d. Respondent aided, abetted, and arranged the unlicensed practice of registered

nursing by placing her students, who were enrolled in the unaccredited nursing program, for clinical assignments at health-care facilities.

- e. Respondent failed to give proper notice to applicants for admission to her unaccredited nursing program that the courses of instruction offered were not accredited by the Board and that completion thereof would not qualify the applicants to take any examination given by the Board.
- f. Respondent acted in the capacity of a registered nurse director and an instructor in the program in violation of Section 1425(b)(1)-(5), and 1425 (d)(1) and (2) of Title 16 of the California Code of Regulations in that Respondent did not possess a master's degree.

SECOND CAUSE FOR DISCIPLINE

(Violating/Attempting to Violate Nursing Practice Act)

18. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the Code, in conjunction with Code sections 675, 2736(a), 2798, and 2799 and CCR sections 1420 subdivisions (a) and (i), 1423, 1425(b)(1)-(5), and 1425 (d)(1) and (2) on the grounds of unprofessional conduct, in that while operating Holy Trinity College of Nursing located in Covina, California from about January, 2007 through April, 2007, Respondent violated and/or attempted to violate the Nursing Practice Act as follows:

- a. Respondent advertised, promoted, and offered an unaccredited prelicensure registered nursing program (unaccredited nursing program) to prospective students.
- b. Respondent operated and enrolled students into the unaccredited nursing program.
- c. Respondent failed to give proper notice to applicants for admission to her unaccredited nursing program that the courses of instruction offered were not accredited by the Board and that completion thereof would not qualify the applicants to take any examination given by the Board.
- d. Respondent acted in the capacity of a registered nurse director in the program in violation of Section 1425(b)(1)-(5) of Title 16 of the California Code of

1 Regulations in that Respondent did not possess a master's degree.

2 THIRD CAUSE FOR DISCIPLINE

3 (Nursing Related Advertisement in Violation of Code Section 17500)

4 19. Respondent is subject to disciplinary action under section 2761,
5 subdivision (a) (3) of the Code, in conjunction with Code section 17500, on the grounds of
6 unprofessional conduct, in that while operating RN Learning Center and Holy Trinity College of
7 Nursing from about April, 2006 through April, 2007, in order to induce others to enter into a
8 contractual obligation with her, Respondent advertised and made false and misleading statements
9 regarding her unaccredited nursing program(s) in violation of Code Section 17500 as follows:

- 10 a. Respondent made false and misleading statements to prospective students and/or
11 hospitals regarding the unaccredited status of the nursing program.
- 12 b. Respondent made false and misleading statements to prospective students
13 regarding the cost of the unaccredited nursing program.
- 14 c. Respondent made false and misleading statements to prospective students
15 regarding the provision of clinical experience by the unaccredited nursing
16 program.
- 17 d. Respondent made false and misleading statements to prospective students
18 regarding the ability of the student to qualify to take any examination given by the
19 Board upon completion of the unaccredited nursing program.
- 20 e. Respondent made false and misleading statements to prospective students,
21 instructors, and hospitals regarding the lack of Board approval to operate the
22 unaccredited nursing program.
- 23 d. Respondent made false and misleading statements to prospective students
24 regarding the transcripts that the students would receive upon completion of the
25 unaccredited nursing program.
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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 20. Respondent is subject to disciplinary action under section 2761,
4 subdivision (a) of the Code, on the grounds of unprofessional conduct, as set forth in paragraphs
5 16-18.

6 PRAYER


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board issue a decision:

9 1. Revoking or suspending Registered Nurse License No. 280352, issued to
10 Lydia Sison Sebastian;

11 2. Ordering Lydia Sison Sebastian to pay the Board the reasonable costs of
12 the investigation and enforcement of this case, pursuant to Business and Professions Code
13 section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 5/22/08

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18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
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